

DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

BANCO POPULAR DE PUERTO RICO,)
)
)
Plaintiff,)
)
)
v.) Civil No. 2009-143
)
)
ALBERT JURGEN, MERCEDES E. JURGEN,)
EMMERY MCNAIRY, BARBARA B. MCNAIRY,)
JORGE M. CAREW, DE'NEAN COLEMAN-CAREW,)
AILEEN G. YATES, and LYNN R. JOSHUA)
)
)
Defendants.)
)

ATTORNEYS:

Alex Moskowitz, Esq.
Erik E. Woodbury, Esq.
Dudley Topper & Feuerzeig
St. Thomas, VI
For the plaintiff Banco Popular de Puerto Rico,

Albert Jurgen
Mercedes E. Jurgen
Emmery McNairy
Barbara B. McNairy
Jorge M. Carew
De'Nean Coleman-Carew
Aileen G. Yates
Lynn R. Joshua
Pro se defendants.

JUDGMENT

GÓMEZ, J.

Before the Court is the motion of the plaintiff, Banco Popular de Puerto Rico, for a deficiency judgment.

Having reviewed the record, the Court makes the following findings:

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On October 6, 2009, Banco Popular de Puerto Rico ("Banco Popular") initiated this action for debt and foreclosure against Albert Jurgen, Mercedes E. Jurgen (collectively, the "Jurgens"), Emmery McNairy, Barbara McNairy (collectively, the "McNairys"), Jorge M. Carew, De'Nean Coleman-Carew (collectively, the "Carews"), Aileen G. Yates ("Yates"), and Lynn R. Joshua ("Joshua") (collectively, the "defendants"). Banco Popular sought a judgment of foreclosure as against all of the defendants, and judgment of debt against the Jurgens.¹

The defendants did not answer or otherwise appear. The Court entered default judgment against the defendants on January 2, 2013. The Judgment entered on January 2, 2013, ordered foreclosure of property owned by the defendants and described as:

Parcel No. 11-69 Estate Peterborg
No. 12 Great Northside Quarter, St. Thomas, Virgin Islands
consisting of 0.507 U.S. acre [sic], more or less
as shown on P.W.D. A9-370-T89

(the "Property"). The Judgment also ordered the Jurgens to pay to Banco Popular the principal amount of \$292,000, plus interest and late charges.

Thereafter, on April 17, 2013, the Court issued a writ of execution for the debt against the Jurgens in the amount of

¹ The debts owed by the McNairys, the Carews, Yates, and Joshua had all been discharged in bankruptcy proceedings.

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\$366,715.70. Interest has accrued on that amount at the statutory rate.

Pursuant to the January 2, 2013, Judgment, on October 20, 2014, the United States Marshal sold the property described therein at a public auction. At the public auction, Banco Popular entered the highest bid for the Property as a credit against its debt judgment. The high bid was \$250,000. This amount is less than the total amount of the judgment by \$116,715.70 plus all accrued post-judgment interest.

Banco Popular now moves for a deficiency judgment.

The premises considered, it is hereby

ORDERED that pursuant to the terms of the Judgment, Banco Popular shall have a deficiency judgment against the Jurgens in the amount of \$116,715.70 plus all accrued post-judgment interest thereon.

s_____
CURTIS V. GÓMEZ
District Judge